

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

LAWRENCE P. GILLEN,

Plaintiff,

v.

KENT METHVERN and CANDICE TIGANI,
As co-Trustees of the Irrevocable Trust for the
Benefit of Christopher Tigani, dated
January 14, 2000 and November 20, 2000, and
World Class Wholesale LLC, a Delaware LLC,

Defendants.

C.A. No. N12C-06-146 (JOH)

ORDER

On this 21st day of December, 2017, the Defendants' Motion to Vacate Judgment, and Plaintiff's opposition thereto, having been considered,

IT IS HEREBY ORDERED THAT the motion to vacate judgment is denied. Plaintiff's judgment against these Defendants, the Irrevocable Trust for the Benefit of Christopher J. Tigani dated January 14, 2000 and November 20, 2000, and, World Class Wholesale, LLC, remains in full force and effect. Plaintiff may resume execution proceedings to collect on his outstanding judgment against these Defendants until the judgment is satisfied.

The basis for this decision is as follows:

- 1) The subject action involves Defendants, the Irrevocable Trust for the Benefit of Christopher J. Tigani dated January 14, 2000 and November 20, 2000, and World Class Wholesale, LLC.
- 2) The parties resolved this action on January 11, 2013, and these Defendants agreed to pay the Plaintiff a total sum of \$100,000 in consecutive monthly installments of \$1,500 until

paid in full.

3) The Defendants subsequently defaulted on the settlement agreement and on July 22, 2016, a judgment was entered in favor of Plaintiff Lawrence P. Gillen and against these Defendants in the amount of \$40,000, plus post-judgment interest.

4) Christopher J. Tigani was not a defendant in this action. He had filed for bankruptcy in 2010. Also not a party to this action was World Class Wholesale, Inc. It appears that World Class Wholesale, Inc. may have also filed for bankruptcy protection or was otherwise made a party to the bankruptcy estate.

5) World Class Wholesale, Inc. appears to be a general corporation formed in 2009. This company is a different entity from the defendant in this action, Defendant World Class Wholesale, LLC, a limited liability company formed in 2011.

6) Neither Christopher J. Tigani, nor World Class Wholesale, Inc., are defendants in this action, and the Judgment in this action is not entered against either of them.

7) In the Tigani bankruptcy action, the bankruptcy court expressly stated that while Plaintiff Gillen had a general unsecured claim against the bankruptcy estate in the amount of \$180,000 and released all other claims against the bankruptcy estate, **“For the avoidance of doubt, the releases granted in this paragraph shall not be construed as a release by Gillen of any other person or entity, including, but not limited to, the Irrevocable Trust for the Benefit of Christopher J. Tigani dated January 14, 2000, the Irrevocable Trust for the Benefit of Christopher J. Tigani dated November 20, 2000, and World Class Wholesale, LLC.”** (emphasis added).¹

¹ In re: Christopher J. Tigani, Delaware Bankruptcy Court, Case No. 10-11855 (PJW), May 24, 2012 Bankruptcy Court Order, attached to motion as Exhibit 1, at ¶ 10

8) The bankruptcy court clearly and unambiguously stated that the Defendants in this action were never part of the bankruptcy action. Plaintiff's claims and subsequent judgment against the subject Defendants were not impacted in any way by the bankruptcy action.


9) On May 25, 2017, the bankruptcy court entered an order of distribution discharging the \$180,000 unsecured claim in the bankruptcy action against the bankruptcy estate (which does not include these Defendants).

10) Defendants contend that the Judgment entered in this action should be vacated because of the discharge of Plaintiff's claim in the bankruptcy action against the bankruptcy estate.

11) It is clear and unambiguous that Plaintiff's claim in the bankruptcy action against the bankruptcy estate did not include the Defendants in this action. These Defendants, the Irrevocable Trust for the Benefit of Christopher J. Tigani dated January 14, 2000 and November 20, 2000, and World Class Wholesale, LLC, were expressly excluded from Plaintiff's claims in the bankruptcy proceeding.

12) Plaintiff's Judgment in this action against: 1) the Irrevocable Trust for the Benefit of Christopher J. Tigani dated January 14, 200 and November 20, 2000, and 2) World Class Wholesale, LLC remains in full force and effect. Defendant's motion to vacate the judgment is denied. Plaintiff may resume execution proceedings on his judgment against these Defendants until his judgment is satisfied.

IT IS SO ORDERED.



Commissioner Lynne M. Parker

cc: Prothonotary
Mr. Lawrence P. Gillen
John G. Harris, Esquire
David B. Anthony, Esquire